

FILED

MAR 10 2004

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 04-CR-26-H
)
BRANDON OUTLAW,)
)
Defendant.)

MOTION FOR DETENTION

Pursuant to Title 18, United States Code, Section 3142(e) and (f), the United States of America hereby requests that the Court determine whether any condition, or combination of conditions, as set forth in Title 18, United States Code, Section 3142(c), will reasonably assure the appearance of the Defendant as required and the safety of any other person and the community.

The Government requests detention of Defendant based upon the following:

- The offense charged is a crime of violence.
- The Defendant is charged under 18 U.S.C. § 924(c) and is subject to the rebuttable presumption provisions of 18 U.S.C. § 3142(e).
- The offense charged carries a maximum sentence of life imprisonment or death.
- The offense charged carries a maximum term of imprisonment of ten (10) years or more pursuant to the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), the Controlled Substances Import and Export Act

(21 U.S.C. § 951, *et seq.*), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. § 1901, *et seq.*), and the Defendant is subject to the rebuttable presumption provisions of 18 U.S.C. § 3142(e).

- The offense charged is a felony which was committed after the Defendant had been convicted of two or more prior offenses described in 18 U.S.C. § 3142(f)(1)(A) through (C), or two or more state or local offenses that would have been offenses if a circumstance giving rise to federal jurisdiction had existed, or a combination of such offenses.
- The existence of a serious risk that the Defendant will flee.
- The existence of a serious risk that the Defendant will obstruct or attempt to obstruct justice, threaten, injure or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror.
- Release of the Defendant would create a serious danger to the safety of other persons or the community [18 U.S.C. § 3142(b) and (g)(4)].
- This is a revocation matter. Defendant is subject to the "penalty" provisions of 18 U.S.C. § 3148, the release provisions in 18 U.S.C. § 3142(g)(3)(B) and the rebuttable provisions in 18 U.S.C. § 3148(b).

Respectfully submitted,

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